

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

VLSI TECHNOLOGY LLC,

Plaintiff,

v.

INTEL CORPORATION,

Defendant.

Civil Action No. 6:21-cv-00057-ADA

JURY TRIAL DEMAND

DEFENDANT INTEL CORPORATION'S PROPOSED JURY VERDICT FORM

Defendant Intel Corporation provides below its draft proposed jury verdict form.

When answering the following questions and filling out this Verdict Form, please follow the directions provided throughout the form. Your answer to each question must be unanimous. Some of the questions contain legal terms that are defined and explained in detail in the Jury Instructions. Please refer to the Jury Instructions if you are unsure about the meaning or usage of any legal term that appears in the questions below.

As used herein, “VLSI” means VLSI Technology, LLC, and “Intel” means “Intel Corporation.” As used herein, “‘373 Patent” refers to U.S. Patent No. 7,523,373, and “‘759 Patent” refers to U.S. Patent No. 7,725,759.

We, the jury, unanimously agree to the answers to the following questions, and return them under the instructions of this Court as our verdict in this case.

I. INFRINGEMENT¹

For each asserted claim of each patent, has VLSI proven by a preponderance of the evidence that Intel has infringed?

Please answer in each cell with “Yes” (for VLSI) or “No” (for Intel). If a cell is blacked-out, no verdict is required.

'373 Patent	Literal Infringement	Doctrine of Equivalents
Claim 1		
Claim 5		
Claim 6		
Claim 9		
Claim 11		

'759 Patent	Literal Infringement	Doctrine of Equivalents
Claim 14		
Claim 17		
Claim 18		
Claim 24		

¹ Intel objects to the inclusion of any question concerning infringement under the doctrine of equivalents for the '759 patents on the verdict form. With regard to the '759 patent, as explained in Intel's Motion for Summary Judgment of No Infringement under the Doctrine of Equivalents for U.S. Patent No. 7,725,759 (Dkt. No. 253), VLSI's doctrine of equivalents claim is barred by prosecution history estoppel.

II. INVALIDITY

1. For each asserted claim of each patent, has Intel proven by clear and convincing evidence that the claim is invalid?

Please answer in each cell with “Yes” (for Intel) or “No” (for VLSD).

'759 Patent	Invalidity
Claim 14	
Claim 17	
Claim 18	
Claim 24	

III. WILLFULNESS²

If you found at least one claim of any asserted patent to be infringed and not invalid, proceed to answer the following question for such patent(s). ***FOR ANY PATENT THAT YOU FOUND NOT INFRINGED OR INVALID, YOU DO NOT NEED TO ANSWER THE QUESTION.***

For each asserted patent, has VLSI proven by a preponderance of the evidence that Intel's infringement was willful?

Please answer in each cell with "Yes" (for VLSI) or "No" (for Intel).

Patent	Willfulness
'373 Patent	
'759 Patent	

² Intel objects to the inclusion of any question regarding Intel's alleged willful infringement on the verdict form. As explained in Intel's Motion to Dismiss Claims for Direct and Indirect Infringement and Enhanced Damages Based on Willful Infringement Under Federal Rule of Civil Procedure 12(b)(6) (Dkt. No. 40) and Intel's Motion for Summary Judgment of No Post-Suit Willfulness or Enhanced Damages (Dkt. No. 252), VLSI lacks the requisite evidence of pre-suit knowledge of the patents and that Intel's post-suit conduct warrants a finding of post-suit willful infringement or enhanced damages. Intel understands, however, that the Court has overruled Intel's objections and denied its motions.

IV. DAMAGES (IF APPLICABLE)

If you found at least one claim of any asserted patent to be infringed and not invalid, proceed to answer the following question for such patent(s). *FOR ANY PATENT THAT YOU FOUND NOT INFRINGED OR INVALID, YOU DO NOT NEED TO ANSWER QUESTIONS 1A AND 1B.*

1A. What sum of money do you find that VLSI has proven, by a preponderance of the evidence, would be fair compensation for infringement:

Patent	Amount
'373 Patent	
'759 Patent	
TOTAL:	

1B. Is the total amount you found in Question 1A a one-time lump sum for past and future sales or a royalty for past sales only? Check one of the following:

One-time lump sum [_____]

-OR-

Royalty for past sales [_____]

FINAL PAGE OF JURY VERDICT FORM

You have now reached the end of the verdict form and should review it to ensure it accurately reflects your **unanimous** determinations. After you have satisfied that your unanimous answers are correctly reflected above, your Jury Foreperson should then sign and date this Verdict Form in the spaces below. Once that is done, notify the Court Security Officer that you have reached a verdict.

SIGNED this ____ day of March, 2021.

JURY FOREPERSON

Dated: February 27, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record are being served with a copy of the foregoing document via the Court's CM/ECF system per Local Civil Rule CV-5(a)(3) on February 27, 2021.

/s/ J. Stephen Ravel

J. Stephen Ravel